

December 16, 2004

Howard Gould
14060 Biscayne Boulevard #402
North Miami Beach, FL 33181

RE: REQUEST FOR ADVISORY OPINION 04-198

Dear Mr. Gould:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on December 15, 2004 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether fire inspectors are required to file financial disclosure forms under the Conflict of Interest ordinance.

In your letter, you advised the Commission that pursuant to §633, F.S., (2004), county and municipal fire inspectors are deputies of the State Fire Marshal. The duties of fire inspector may include annual fire inspections of existing structures; investigation of complaints of violations of the fire code and inspections of new structures. The fire inspectors are not officials of the building or zoning departments and enforce different rules and regulations.

The Commission found the Conflict of Interest ordinance does not require fire inspectors to file financial disclosure forms. Section 2-11.1(i) provides that the following categories of persons are required to file financial disclosure:

- 1) the Mayor and the members of the Board of County Commissioners;
- 2) County Attorney and Assistant County Attorneys;
- 3) County Manager, Assistant County Managers and Special Assistant(s) to the County Manager;
- 4) Heads or Directors of County Departments and their assistant or deputy department heads;
- 5) Employees of the Miami-Dade County police with the rank of Captain, Major and Chief;
- 6) Building and zoning inspectors;
- 7) Any architect, professional engineer, landscape architect, or registered land surveyor performing services for Miami-Dade County pursuant to a contract;
- 8) Autonomous and semi-autonomous personnel, boards and agencies that did not file under state law;
- 9) Personnel who perform quasi-judicial functions and who did not file under state law;
- 10) Advisory personnel, whose sole or primary responsibility is to recommend legislation or give advice to the Board of County Commissioners, including members of any County board that did not file under state law (except those exempted by ordinance or resolution
- 11) Candidates for County and municipal elective office.

County and municipal fire inspectors are not included within the categories delineated in Section 2-11.1(i). Further, County and municipal fire inspectors cannot be considered within the category of building and zoning inspectors because most fire inspections involve existing structures and fire inspectors are governed by and enforce different laws and regulations than building and zoning inspectors. Therefore, County and municipal fire inspectors are not required to file financial disclosure under the Conflict of Interest ordinance.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS
Executive Director